



Freedom Watch

Citizens Project

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Parade of ideology:

Bills and resolutions status underscore threats to CP values

By Laura Parisi

This year's legislative session saw a variety of bills and resolutions related to Citizens Project's public policy agenda: promoting equality and diversity, promoting religious and individual freedoms, opposing discrimination, and vouchers. While several bills Citizens Project opposed did fail, their introduction (coupled with the failure of bills supported by Citizens Project) shows the continued influence of religious conservatives at the state legislature.

Observers provide different reactions to the tone and spirit of the legislative session:

"Compared to last year, the tone was a little more upbeat," said Senator Jennifer Veiga (D), "but it could've been better."

Deborah Fallin, spokesperson for the Colorado Education Association (CEA), said, "There seemed to be a lot of partisan activity and party-line votes, which is not necessarily very productive."

Denise de Percin, executive director of the Colorado Anti-Violence Program, said that this year's session was worse than last year's, particularly in terms of gay rights issues: "They focused on things that weren't problems, and didn't focus on things that were," she said. "They defeated things about basic civility."

Julie Tolleson, spokesperson for Equal Rights Colorado, felt that the tone of the session was rather unpleasant. "It was as nasty as I have seen since the late '90s," she said. Particularly nasty, Tolleson said, were the efforts to impeach

Denver Judge John Coughlin because of his 2003 ruling in favor of joint custody rights for a former same-sex couple.

De Percin said, "The message got sent over and over that [if you are gay,] you're not safe and you're not equal in this state."

HB 1375

Alternative Sexual Lifestyles

Sponsor: Shawn Mitchell-R, Ken Arnold-R
Status: Passed CP opinion: Oppose

HB 1375, in its original form, sought to ban schools from teaching about non-heterosexual

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— Denise de Percin,
executive director of the
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relationships, except in the context of sex education. The bill was revised to include a clause that gave parents the option of keeping their children out of planned discussions of human sexuality. The clause also required that schools present parents with detailed outlines of all such planned discussions.

The bill was amended again, changing the opt-out clause to one that would require parents and students to opt in to any discussions of human sexuality.

Also, the amended bill

removed the clause that specifically banned teaching about non-heterosexual relationships. "It wasn't explicitly targeting gays and lesbians by the time it hit the floor," said Tolleson. "The moderate Republicans started to get uncomfortable because the intent [of the unamended bill] was so obvious."

HB 1078

Sexually Explicit Materials Harm to Kids

Sponsor: Ted Harvey-R
Status: Passed in House; died in Senate
CP opinion: Oppose

This bill would have made it a class one petty offense to display "materials that are harmful to minors," and a class two misdemeanor to spread such material or to allow a minor to view "harmful" performances. The bill clearly outlined what constitutes nudity and sexual activity, but it was less clear when it came to what constituted a harmful performance — the harmfulness of which would be determined by an "average adult ... applying contemporary community standards."

HB 1442

Colorado Opportunity Contract Pilot Program

Sponsors: Nancy Spence-R, Andy McElhany-R
Status: Died in House CP opinion: Oppose

This bill would have created a new voucher pilot program to replace last year's, which had been ruled unconstitutional because it interfered with issues of local control. Like last year's program, this one would have made vouchers available only to students eligible for free or

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Parade of Ideology

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reduced-price lunch and who live in districts with poorly performing schools, and would have put a cap on the number of students eligible to participate.

The bill addressed the problem with last year's program of relying on local property taxes to fund the pilot program. This pilot program would instead have drawn from state funds. Explained Fallin, "Nancy Spence made a little change in the funding mechanism. Otherwise the whole program was the same as last year's."

The text of the bill claims that the pilot program would not have been in violation of Article IX Section 7 of the Colorado Constitution, which outlaws state funding of religious schools, or Article V Section 34, which prohibits state appropriations to private institutions. The bill does not, however, restrict the participation of religious schools in the pilot program.

HB 1458

K-12 Opportunity Assistance

Sponsor: Spence
Status: Postponed indefinitely in the Senate
Appropriations Committee CP opinion: Oppose

Spence introduced HB 1458 a few days after her other voucher bill [HB 1442] was killed. It was almost identical to the previous one, but made another change in the funding mechanism and repealed last year's pilot program. Repealing last year's program, said Fallin, speaking for the CEA, would have started a whole new lawsuit to challenge the new bill's constitutionality. "That got moderate Republicans to say, 'Wait a minute.' The bill was tabled almost immediately."

HJR 1013

Support for Federal Marriage Amendment

Sponsors: Kevin Lundberg-R, Steve Johnson-R
Status: Tabled in House CP opinion: Oppose

This resolution sought to garner support among members of the General Assembly for the Federal Marriage Amendment, which would put a ban on gay marriages into the U.S. Constitution. The federal amendment's main sponsors are U.S. Representative Marilyn Musgrave (R-Colorado) and U.S. Senator Wayne Allard (R-Colorado).

Said de Percin, "The big victory was the defeat of the Lundberg Resolution [HJR 1013]. It was a very

direct message to Musgrave about the federal amendment and about the people she claims to represent in her home state."

Tolleson was not as enthusiastic: "The fact that it went down is not any indicator that our legislature is ready for same-sex marriage – I think it was a vote to defend the Constitution," she said.

HB 1352

Students with Disabilities Scholarships

Sponsor: Nancy Spence-R
Status: Postponed indefinitely in the House Committee on Appropriations
CP opinion: Oppose

Similar to HB 1442, this voucher bill would have provided private-school scholarships for students with disabilities. The funds for the scholarships would have come from state funds, and would have equalled the state average per pupil, regardless of the district in which the student resided. Said Fallin, "The funding mechanism was pretty bizarre."

SB 194

Colorado Civil Rights Act

Sponsors: Ed Jones-R, Shawn Mitchell-R
Status: Died in Senate CP Opinion: Oppose

This bill was an attempt to outlaw affirmative action programs in Colorado by barring the use of "discrimination against" (or preference given to) a person based on race, sex, ethnicity, or national origin in public employment, education, or contracting. Though dubbed a "civil rights act," it was a clear attempt to undercut affirmative action programs begun to address civil rights abuses.

SJR 34

Tolerance in Colorado

Sponsors: Jennifer Veiga-D, Alice Madden-D
Status: Postponed indefinitely in the Senate Committee on Judiciary CP opinion: Support

A direct response to recent threats and violence directed at the gay community, SJR 34 was a call for tolerance in Colorado. It stated

that Colorado would not accept hate, threats, or violence directed toward people based on their sexual orientation. One of the few positive bills for the GLBT community to appear in this year's legislative session, it was tabled indefinitely.

"The Republicans on the committee were uncomfortable with the issue," said Jennifer Veiga, who introduced the resolution. "I felt it was appropriate to condemn those acts [of hate], but unfortunately my colleagues weren't comfortable doing that."

Veiga said the postponing of this resolution was "one of the more frustrating moments" of the session.

"The fact that her resolution explicitly addressed sexual orientation was probably its downfall," said Tolleson.

HJR 1003

First Amendment Protections Higher Education

Sponsors: Dave Schultheis-R, Doug Lam-born-R
Status: Postponed indefinitely in House Committee on Education CP Opinion: Oppose

HJR 1003's sponsors said it was to establish the rights of college students and faculty to speak out on political, religious, and cultural issues, and to "speak disapprovingly of certain sexual behaviors." It would have banned mandatory diversity trainings, on the grounds that these trainings force students to accept viewpoints with which they disagree. HJR 1003 also sought to restrict universities from assessing the mission or viewpoint of a student organization as a criterion for funding.

"I think a huge part of the motivation [behind HJR 1003] was anti-gay," said de Percin. "It was to create a climate and culture in which GLBT people aren't safe" and to allow "vehement homophobes" to speak their mind.

SJR 17

Importance of Western Civilization

Sponsors: John Andrews-R, Ted Harvey-R
Status: Passed in Senate; died in House
CP Opinion: Oppose

This resolution's sponsors said it was to establish the importance of teaching about the history of Western civilization in order to create a better understanding of U.S. history and government. It criticizes multicultural education, accusing it of reducing emphasis on the teaching of monocultural Western civilization, thereby emphasizing differences among Americans instead of teaching the "civilizational heritage that all Americans share."

HJR 1019

No Name-Calling Week

Sponsors: Angie Paccione-D, Ron Tupa-D
Status: Postponed indefinitely in the House Committee on Education CP opinion: Support

This resolution would have started a statewide "No Name-Calling Week" in Colorado schools to bring attention to the problem of teasing and bullying among adolescents. Despite the considerable attention Colorado has given the issue of bullying, this resolution did not pass. Interestingly, No Name-Calling Week would have targeted, among other things, teasing on the basis of sexual orientation and gender identity. Did it go down because of this? De Percin thinks so: "Absolutely," she said.

HB 1462

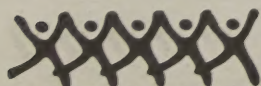
Parental Responsibility of Nonparents

Sponsor: Don Lee-R
Status: Died in House after amendments were made CP opinion: Oppose

HB 1462 would have given the court jurisdiction to decide whether or not a child has "no fit parent" before someone who is not a blood parent could assume parental responsibilities. "What this bill is saying," said Tolleson, "is that if the primary parent is sick, they can't give parental rights to a nonparent."

Tolleson said that this bill was targeted at same-sex couples. It does not recognize that both members of a same-sex couple can be parents, and was likely a response to Judge Coughlin's decision to grant joint custody to the former same-sex partner of a Denver woman. "The bill was introduced incredibly late – right after the impeachment effort [of Judge Coughlin] failed," said Tolleson.

Tolleson said that the move to entirely sever a child's relationship with the other parent is "unprecedented."



Citizens Project

Give me liberty or give me dogma: The problems with Bishop Sheridan's ruling

By Ken Burrows

In May, local Catholic Bishop Michael Sheridan sent a letter to every parish in the Diocese of Colorado Springs that stated: "Any Catholics who vote for candidates who stand for abortion, illicit stem-cell research or euthanasia suffer the same fateful consequences. It is for this reason that these Catholics, whether candidates for office or those who would vote for them, may not receive Holy Communion until they have recanted their positions and been reconciled with God and the Church in the Sacrament of Penance."

As an organization that promotes diversity, encourages civic engagement, and defends religious liberty among a host of other traditional American values and freedoms, Citizens Project commends Bishop Michael Sheridan's goal of guiding Catholics to execute their civic responsibilities in a manner consistent with their moral beliefs, but we take serious issue with the *means* by which he is doing it. We believe, in fact, the means are:

- legally dubious,
- contradictory to the Constitution,
- dismissive of diversity,
- forgetful of history, and
- potentially harmful to religious freedom itself.

Let's look at these problems one at a time.

Legality:

Federal tax law permits houses of worship and religious leaders to address political, social and moral issues. But, like all other non-profit groups enjoying the tax-exemption benefits of 501 (c) 3 designation, they may not, as part of their formal ecclesiastics, endorse or oppose candidates for public office. Bishop Sheridan has not simply advised Catholics to remember their moral tenets as they vote; he has instead said Catholics cannot in good conscience vote for a candidate who holds selected positions contrary to Catholic teaching. By this specificity, he is effectively endorsing certain candidates over others (e.g., Bush over Kerry), the legality of which is questionable in context of the diocese's 501 (c) 3 status.

Constitution:

The Constitution explicitly prohibits the government—more precisely, "Congress"—from establishing a religion, and this has been interpreted to also mean the government or holders of public office cannot favor one religion over another. In calling upon elected Catholic officials to adhere to specifically

Catholic doctrine, and demanding that Catholics as a whole elect only such candidates, Bishop Sheridan and his colleagues have essentially demanded that officeholders be faithful first and foremost to ecclesiastical doctrine, even if it must supersede the oath they have taken (on a Bible, ironically enough) to uphold the Constitution.

Diversity:

One of the geniuses of America is our ability to accommodate diverse views and beliefs in our system of government. Elected officials honor this pluralism with public actions that reflect their constituents' wishes, even if the official may personally embrace a different viewpoint.

This is part and parcel of a republican form of government, one reason why John F. Kennedy, the last Catholic to vie for the Presidency 44 years ago, said, "I believe in an America where no public official requests or accepts instructions on public policy from . . . any . . . ecclesiastical source." About such pluralism, Peter Howard, executive assistant to Bishop Sheridan, has been quoted as saying: "The church has never been a democracy." That is of course fine for the church, but our government is, by Constitution and history, very definitely about democracy. It is about respecting diversity as well.

(Are the Vatican and the church bishops possibly conflicted by their own internal "diversity" as far as what issues to deem non-negotiable? The Vatican decree of early 2003 that has led to the latest controversy included "divorce" among the church teachings Catholic officeholders must adhere to. That decree also stated " . . . laws must defend the basic right to life from conception to natural death." Yet little has been said by Sheridan or others about insisting that Catholics in office conform divorce laws to church doctrine, or that they take steps to abolish capital punishment.)

History: Both European and American history provide a troubling chronicle of mingling church and state, primarily because one is absolute and sectarian while the other, in the case of America, accommodates a spectrum of viewpoints and believes in individual liberty. In the 1300s, for instance, Pope

Boniface issued a papal bull that categorically said every human being "is subject to the pontiff." Back then, popes made kings bend to their will. By contrast, Samuel Davies, a Presbyterian pioneer of colonial Virginia, believed Christ died for Protestant Britain, that Catholicism was godless and should be condemned by government decree. It was largely due to these kinds of fundamental conflicts between freedom and faith

that Thomas Jefferson, author of *A Bill for Establishing Religious Freedom*, and James Madison, chief architect of the Constitution, dedicated so much effort to keeping church and state separate. Madison said it most succinctly with these words: "Religion and government will both exist in greater purity the less they are mixed together." To the extent his words have been heeded, the American experience has proved him right.

Religious Freedom:

In a religiously diverse society that values personal freedoms, there is no escaping the hint of theocracy when any

religious hierarchy, whatever faith doctrine it espouses, attempts to impose its will on the political and civil workings of that free society. In America, candidates are elected to enact the will of the voters, not advance the sectarian ideologies of one or another religious faith. Also, because churches establish and practice their faiths as individually and precisely as they choose, it is particularly inimical to religious freedom when one of those churches assumes that its particular views should predominate on political, social and moral issues that are widely debated and lacking unanimity. That edges toward theocracy, which sacrifices democratic principles, and undermines religious freedom along with it.

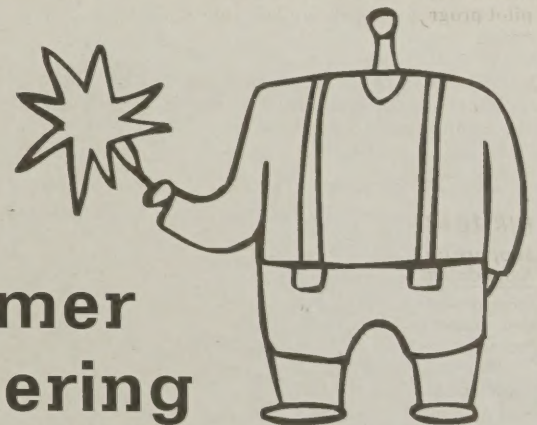
In summary, then, Citizens Project believes the effort by Bishop Sheridan, or any cleric, to guide the faithful in making decisions that are morally and politically complementary reflects one of the highest traditions of the church's work in society. But when he directs his faithful whom to vote for, he contradicts one of the highest traditions of American freedom. We urge Bishop Sheridan to understand the distinction more carefully, acknowledge it more clearly, and proceed in a way that respects and preserves both faith and freedom.

"Religion and government will both exist in greater purity the less they are mixed together."

— James Madison,
chief architect of the Constitution

Summer Gathering

Get an early start on your Fourth of July weekend by celebrating our nation's traditional values of equality, separation of church and state, and respect for diversity. Join Citizens Project for an informal social gathering of like-minded citizens on Thursday July 1, 2004 from 5 - 7 p.m. at The Margarita at Pine Creek restaurant. We'll offer appetizers and a cash bar, and we hope to line up some musical entertainment as well. The Margarita is at 7550 Pine Creek Rd., on the West side of I-25 just North of the Woodman exit.





Mary Lou Makepeace is Divine!

Citizens Project presented Mary Lou Makepeace the first Divine Award at a May 13th reception at The Warehouse. The Divine Award is given annually to a person in the Pikes Peak region who has worked tirelessly to create a vibrant democracy in which equal rights are protected and differences are respected. The award simultaneously recognizes the accomplishments of its recipient and honors the legacy of Amy Divine, the initial organizer of Citizens Project, who dedicated her energy to champion traditional American values of equal rights, individual freedoms, separation of church and state, civic engagement, and respect for diversity.

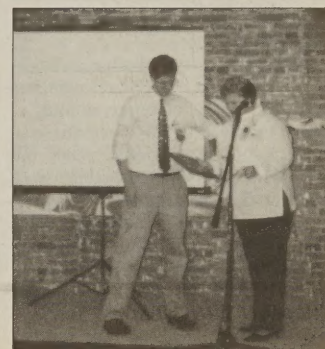
Makepeace was the first female mayor of Colorado Springs, serving from 1997 to 2003, and is widely recognized as having made government more accessible to citizens. Her mayoral tenure is distinguished by a number of accomplishments, most notably her vision for a vibrant downtown that showcases art, her commitment to addressing the community's homeless issues, and her work with teens and developing future community leaders.



◀ Vice Mayor Richard Skorman shares a smile with fellow attendees.



▲ Lynn Frost and Colorado College President Dick Celeste.



▲ Citizens Project's executive director, Greg Borom, presents the award to Mary Lou Makepeace.

PHOTOS BY HUNTER FROST

Be part of the solution.

"Citizens Project gives the public an opportunity to report injustice, to be listened to and then be part of the solution."

— Sharon Berthrong, board member and CP supporter

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Your voice for tolerance in the Pikes Peak region.

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MISSION:

Citizens Project spotlights issues in the Pikes Peak region and mobilizes people to strengthen the traditional values of our nation: equal rights, individual freedoms, separation of church and state, civic engagement, and respect for diversity.



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